

# Why Caucus? Capitalizing on Its Strengths, Minimizing Its Drawbacks

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# GOALS OF MEDIATION

- Understanding
- Problem-solving
- Agreement
- Empowerment and Recognition

## WHY CAUCUS: Mediator Perspective

1. Persons more willing to share information in private
2. Value to parties of safety zone for considering ideas and options
3. Opportunity to probe options and “reality test” without seeming partial

# Why Caucus? Advocate Perspective

- Examine options without exposure or commitment
- Signal flexibility or firmness to mediator without “public moves”
- Float possible options by asking mediator to make it her proposal
- Communicate to mediator clear firmness so that the mediator’s call for closing discussion is not premature.

# Purposes of a Caucus

- Explore settlement options
- “Reality check” proposals
- Cut off unproductive communication
- Move recalcitrant party
- Explore possible power imbalance
- Give space to consider options
- Coach parties in effective negotiation

# General Principles of Caucusing

- Caucus with each party each time
- Amount of time need not be identical with each party
- Consider an assignment for the party who is excused

# Executing the Caucus

## 1. Declare the caucus:

- indicate order and length of meeting
- excuse one party
- automatics: organize notes; note time; indicate purpose; review confidentiality

## 2. Begin the caucus:

- automatics: organize notes; note time; indicate purpose; review confidentiality

# Executing the Caucus

## 3. Techniques of caucusing:

- Use hypotheticals
- Protect offers of movement

## 4. Close the caucus:

- Confirm what can be used and what will remain confidential

## 5. Display agreement:

- By parties or by mediator



# Contact Information

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